

City of Beverly Hills

Zoning Code Reorganization



Planning Commission

July 11, 2013

Our Zoning Philosophy

- Zoning should perform – it should implement the City’s planning policies and the Commission’s and Council’s direction;
- Zoning should be positive and user friendly;
- Community character, particularly in single family neighborhoods, and precedents should be respected;
- Zoning must offer real, tangible benefits for City officials, residents and business in Beverly Hills; it need not be all about “thou shalt not...”; and
- Whenever appropriate, it make sense to explore with City staff and the Planning Commission traditional assumptions about zoning, not only about what gets built and what gets protected, but also with respect to the review and approval process.

Approach to Reorganization

Meeting Beverly Hills' Needs

- This is a reorganization not a comprehensive update.
- Awareness of the needs of those who will use and be directly affected by zoning and subdivision regulations
 - *City Council, Planning Commission, Design Review Commission, Architectural Commission, Cultural Heritage Commission, builders, developers, property owners and tenants, community*
- Analysis of options for both overall organization and Phase II
 - *Pros and Cons – respect for “sacred cows,” prior City actions*
- Testing
 - *Buildable? Corrects identified problems? Too costly? No identified need for a change.*
- Consistency and clarity

Approach to Zoning

- Be orderly
- Be clear
- Be brief
- Be visual
- Be positive
- Use numbers
- Use plain language
- Use technology to facilitate access, understanding and administration of the new zoning

Zoning Ordinance

Table of Contents

Section 1 - General Provisions
PDF Search or Download

Section 2 - Base and Overlay
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Part I: Base Districts

20.080 Residential Districts

20.080.001 Purpose
20.080.002 Land Use Regulations
20.080.003 Development Standards
20.080.004 Supplemental Regulations

TABLE 20.080.001: DENSITY STANDARDS - RESIDENTIAL DISTRICTS

Standard	RL-1.3	RL-3	RL-6	RL-8	RM-10	RM-13	RM-17.5	RH-30	RH-33	Additional Regulations
Maximum Density (units per acre)	1.3	3	6	8	10	13	17.5	30	33	(D) (E)
Minimum Site Area per Dwelling Unit (sq ft)	12,800	8,710	7,260	5,643	4,340	3,264	2,500	1,422, 2,000 min lots less than 10,000 sq ft	1,600	(E)

Additional Development Standards:

A. **Required Daylight Planes.** No portion of a structure may extend above a daylight plane that is measured from a point 20 feet above average existing grade of the front or street side setback line based on the highest and lowest points along the respective setback line and extending upward at a 45-degree angle.

FIGURE 20.080.001(A) REQUIRED DAYLIGHT PLANES

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SIDE SETBACK REQUIREMENTS

Table 10-3-2807: Side Setback Requirements for R-3, R-4, R-4X1, and R-4X2 Zones

Minimum Setbacks (feet)	For buildings that are 3-stories or less 33 feet in height	For buildings that are 4-stories or greater 33 feet and less 45 feet in height	For buildings that are greater than 4-stories or greater 45 feet in height
A Each Side Setback	8	8	9
B Sum of Side Setbacks	17	19	23

A + A = B

User-Friendly Formatting

- a Page header
- b Prominent headings
- c Tables
- d Cross references
- e Graphics
- f Consistent numbering, indented paragraphs
- g Page numbers

a Zoning Ordinance District Regulations

b 20.080.001 Development Regulations

Table 20.080.001 prescribes the development standards for the ECRMX District. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance, while individual letters refer to features illustrated in Figure 20.080.001.

c TABLE 20.080.001: DEVELOPMENT STANDARDS

Standard	ECRMX	Additional Standards
Building Form and Location		
Height (ft)		
Building Maximum	80 (A)	20.080.002 Heights and Height Exceptions
Building Maximum for Mixed Use	120 (B)	20.080.002(B), Increased Height for Mixed-Use Buildings
Street Wall Minimum	25 (C)	
Street Wall Maximum	35 (C)	
Ground Floor	15 (D)	

d

e

f 20.080.002 Supplemental Regulations

A. **Building Transparency.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 40 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 30 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep. They shall not provide views into parking or vehicle circulation areas.

g

FIGURE 20.080.002(A) BUILDING TRANSPARENCY

Windows, doors or other openings shall occupy at least 40% of the building wall area located between 2.5 and 7 feet above the level of the sidewalk.

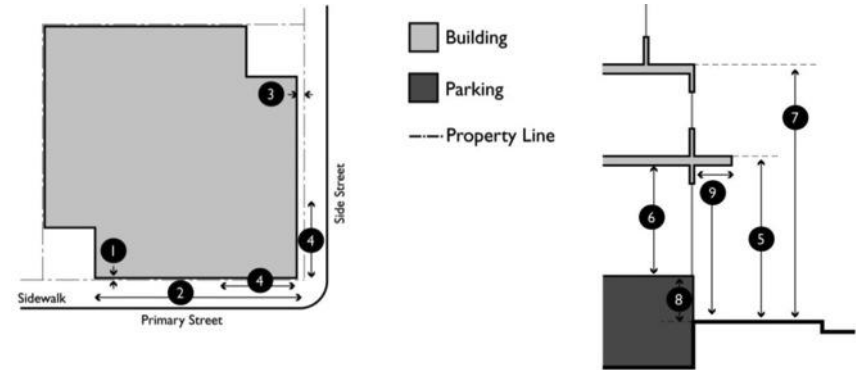
7 ft
Zone of transparency
2.5 ft
Grade at sidewalk

Maximum 30 feet between openings

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Designing a Viable Zoning Framework

- Organization, presentation, user friendly form
- Analysis of options
- Testing of standards
- Clarity & simplicity
- Graphics
- Structured to facilitate administration and amendment



Building Placement			Reference
Front Build-to Line	Property line or 12 ft. from curb (the greater)	Buildings shall be constructed at the build-to line for 80% of linear street frontage. Area between the building and property line shall be paved so that it functions as a wider public sidewalk.	1 and 2
Street-side Maximum Setback	5 ft.	Area between the building and property line shall be utilized for active outdoor uses or paved so that it functions as a wider public sidewalk.	3
Corner Lot Build Area	Within 30 ft. of corner	Buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.	4
Height			
Ground Floor Minimum			
Ground Floor Residential Uses	12 ft.	Measured from finished grade to the finish floor elevation of the second floor.	5
Ground Floor Non-residential Uses	16 ft.	Measured from finished grade to the finish floor elevation of the second floor.	5
First Floor Ceiling Height, Non-residential Uses	12 ft. clear		6
Street Wall			
Minimum	25 ft.		7
Maximum	40 ft.		7
Parking Podium	5 ft.	Maximum height of a parking podium visible from the street is 5 feet from finished grade.	8
Projections into Right-of-way			
Building Projections	3 ft.	Min.12 feet above sidewalk grade. 10 ft. max width.	9
Awnings and Overhangs	8 ft.	Minimum 10 feet above sidewalk grade.	9

Outline for Reorganized Title 10

- 100 Series – Introductory Provisions
- 200 Series – Base Zones
- 300 Series – Overlay Zones and Planned Development
- 400 Series – Specific Plans & Development Variances Approved
- 500 Series – Regulations Applying to Some or All Zones
- 600 Series – Historic Preservation
- 700 Series – Land Divisions, Dedications and Improvements
- 800 Series – Administration and Permits
- 900 Series – General Terms

Rules for Reorganization

- In reorganization, retain parenthetical reference to original adopting ordinance and date and all subsequent amendments.
 - *(Ord. 80-O-1759, eff. 4-17-1980; amd. Ord. 83-O-1882, eff. 3-31-1983, formerly 10-3-q 1612)*
- Change references to articles, chapters, and sections, as needed, consistent with the Annotated Outline.
- Move all definitions to 900 series, but not embed rules or standards in definitions.
- Move all administrative provisions (e.g. application requirements, permitting, appeals, etc.) to 800 Series.
- Eliminate “Notwithstanding...” provisions, as duplicative and unnecessary – they can be handled in Introductory Provisions.

Rules (Continued)

- Use tables or phrases (e.g. “Minimum front setback: 5 feet”), with Rules for Measurement to establish basic procedures and common reference points, so these need not be repeated.
- Eliminate use-specific administrative remedies or statements about violations and enforcement.
 - *Clear rules in the 800 Series can govern citywide any specific instance that might arise.*
- Simplify references to numbers: spell out numbers less than ten; only use Arabic numbers for 10 or more (11, 121, 10,000, etc.).
- Strive for the active voice, so decision-makers, applicants, etc. are described as the initiator.
 - *Instead of “The number may be reduced by the Planning Commission,” say “The Commission may reduce...”*

Rules (Continued)

- Strive for consistency of expression (“... shall make findings, including:...”).
- Use only two terms to refer to land: “lots” and “sites.”
- Express time as 10 a.m. and 4 p.m.
- Refer to zones logically, “the R1 zone,” not “zone R1.”
- Avoid excessive use of “pursuant to” or consistent, duplicative references to the section number for conditional use permit permitting procedures.
- Eliminate references to out-of-date provisions, such as something that was to happen 20 years ago and may not have occurred.
- Show all edits to the code language in track changes.
 - *This rule does not apply to moving the existing language from one section to another; only to additions and deletions.*

Use Regulations (City Staff Phase II)

- Use classifications vs. use lists
 - *Accommodate new and emerging technologies*
- Tiering
 - *Permitted uses*
 - *Standards for specific uses*
 - *Conditional uses*
- Tables with clear references to additional standards can minimize need for case-by-case review
- Recognition of “protected” uses under State and Federal law

TABLE 18.05.020: LAND USE REGULATIONS—MIXED-USE DISTRICTS

Use Classifications	MU-DC	MU-D	MU-SA	MU-SC	MU-NB MU-SB	MU-N	Additional Regulations
Residential Uses							
Residential Housing Types a	See subclassifications below						
Multi-Unit Residential	P(1)	P(1)	P(2)	P	P(2)	P(3)	
Senior Citizen Residential	P(1)	P(1)	P(2)	P	P(1)	P(3)	
Elderly and Long-term Care	-	-	-	C	-	-	
Family Day Care	See subclassifications below						
Small	P	P	P	P	P	P	
Large	-	-	-	-	-	C(3)	See §18.23.090, Day Care c
Residential Care Facilities	See subclassifications below						
General	-	M(1)	-	M	-	-	See §18.23.200, Residential Care Facilities
Limited	P	P	P	P	P	P	
Senior	-	M(1)	-	M	-	-	See §18.23.200, Residential Care Facilities
Single Room Occupancy	C(1)	C(1)	C(2)	C	C(1)	C(3,14)	See §18.23.220, Single Room Occupancy Hotels

Drive-in and Drive-Through Facilities	Prohibited in MU Districts; See §18.23.100, Drive-In and Drive-Through Facilities
Nonconforming Use	Chapter 18.19, Nonconforming Uses, Structures, and Lots
Temporary Use	Chapter 18.31, Temporary Use Permits
Specific Limitations:	
1. Not allowed on the ground floor along Laurel Street and San Carlos Avenue frontages.	b
2. Conditional Use Permit approval required to allow residential uses on the ground floor along El Camino Real frontage.	
3. Not allowed on the ground floor along Old County Road.	
4. Not allowed on Laurel Street or San Carlos Avenue.	
5. Provided that such use shall be completely enclosed in a building of soundproof construction.	
6. For properties without frontage along El Camino Real, only Retail Sales consistent with the definition of General Retail and 5,000 square feet or less.	
7. Must be within an enclosed structure.	
8. Limited to establishments with a gross floor area of 2,500 square feet or less. Limited to the ground floor of a building located on an interior lot a minimum of 500 feet from any other financial institution.	
9. Limited to establishments with a gross floor area of 5,000 square feet or less.	
10. Permitted after review and approval of a Minor Use Permit by the Zoning Administrator if less than 12 chairs.	
11. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use.	
12. Limited to upper stories.	
13. Permitted if existing. Additions to existing facilities and establishment of new facilities are subject to Section 18.23.170, Personal Services.	
14. Not allowed along East San Carlos Avenue.	
15. Limited to neighborhood groceries with less than 1,500 square feet of sales area when located along East San Carlos Avenue.	
16. The sale of alcoholic beverages is prohibited.	

a Use Groups

b Limitations on permitted uses

c Cross-reference to other sections of the Code where additional regulations apply

Development Standards

TABLE 18.05.030-2: BUILDING PLACEMENT STANDARDS—MIXED-USE DISTRICTS

a

KEY
 --- Property Line
 --- Setback Line
 ■ Buildable Area

Primary Street

District	MU-DC	MU-D	MU-SA	MU-SC	MU-NB	MU-SB	MU-N	Additional Regulations #
Setbacks, Residential-only Development	Subject to the setback requirements of the RM-59 District.							
b Street Frontage Setbacks, Commercial and Mixed-Use Development (ft)								
Laurel Street	Property line or 15 ft from curb (the greater) for all MU Districts							(B) 1
El Camino Real	Property line or 20 ft from curb (the greater) in MU-DC, MU-D, MU-SA, and MU-SC				5 min, 15 max	0 min, 5 max	5 min, 15 max	(B) 1
San Carlos Avenue	Property line or 15 ft from curb (the greater) in MU-DC, MU-D, MU-SA, and MU-SC				n/a	n/a	5 min, 15 max	(B) 1
Elm Street	0 min, 10 max	n/a	n/a	n/a	n/a	n/a	n/a	1
All Other Street	0 min, 5 max	0 min, 5 max	0 min, 5 max	5	5 min, 15 max	0 min, 5 max	5 min, 15 max	1
Interior Side	0 min; 10 min adjacent to RS District for all MU Districts							(C) 2
Rear	0 min; 30 min adjacent to RS District for all MU Districts							(C) 3
Corner Build Area (ft)	30; Buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.							(C) 4

c **d**

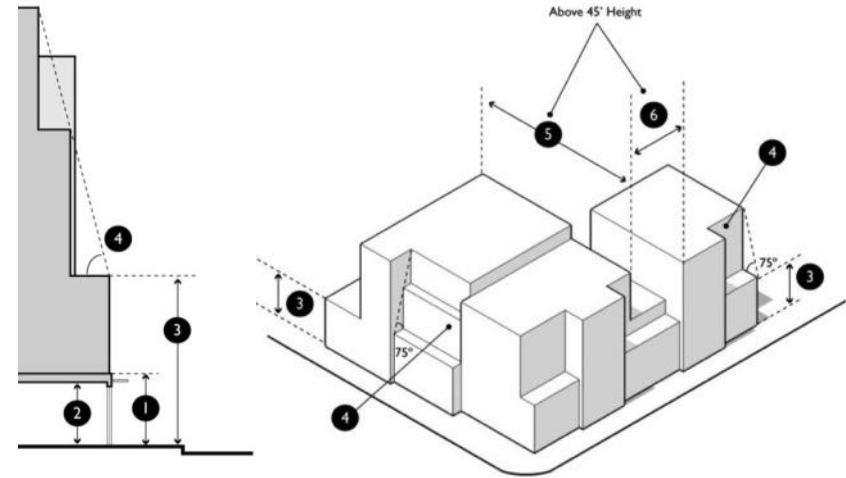
- c** **B. Build-to Line.** Buildings shall be constructed at the required setback for 80 percent of linear street frontage. The area between the building and property line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the Review Authority upon finding that:
- Substantial landscaping is located between the build-to line and ground floor residential units to soften visual impact of buildings;
 - Entry courtyards, plazas, entries, or outdoor eating and display areas are located between the build-to line and building, provided that the buildings are built to the edge of the courtyard, plaza, or dining area; or
 - The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

a Reference Diagram(s)

b All relevant standards incorporated into table

c Additional regulations that apply (cross reference to text)

d Diagram reference numbers

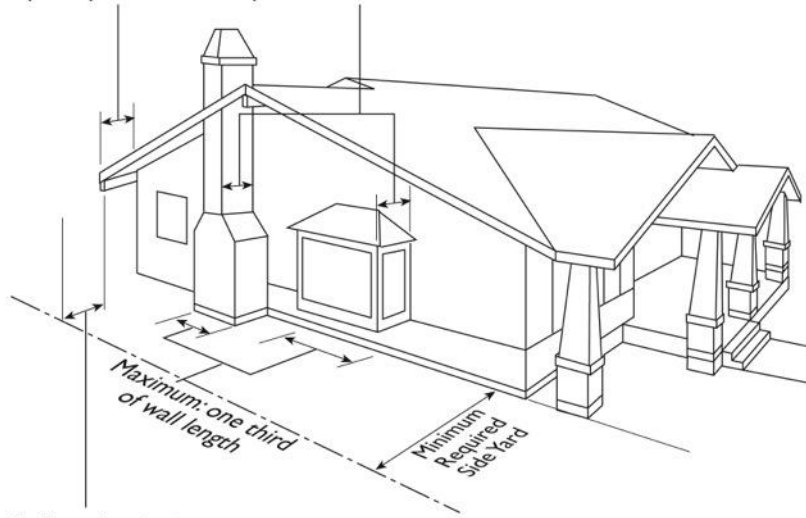


Height			Graphic Reference
Ground Floor Minimum	16 ft.	Measured from finished grade to the finish floor elevation of the second floor.	1
First Floor Ceiling Height	12 ft. clear		2
Street Wall			
Minimum	25 ft.		3
Maximum	40 ft.		3
Building Massing			
Upper Story Stepback	50% of the street facing building frontage shall be stepped back within the area defined by a 75 degree angle from the top of the streetwall to a point 80 feet from finished grade.		4
Maximum Building Length	125 ft.	Applicable only to portion of building above 45 feet from finished grade.	5
Minimum Separation	30 ft.	Applicable only to portion of building above 45 feet from finished grade.	6

Zoning Illustrations

Eaves and other architectural projections, may project up to two feet into any yard, but no more than one-half the required yard width or depth.

Bay windows and chimney may project up to three feet into any yard. They may not, in aggregate, be longer than one third the length of the wall.



All allowed projections must be at least 3 feet from any side or rear lot line



FIGURE 19.24-B: LANDSCAPED AREA AT FRONT OF PARKING SPACE

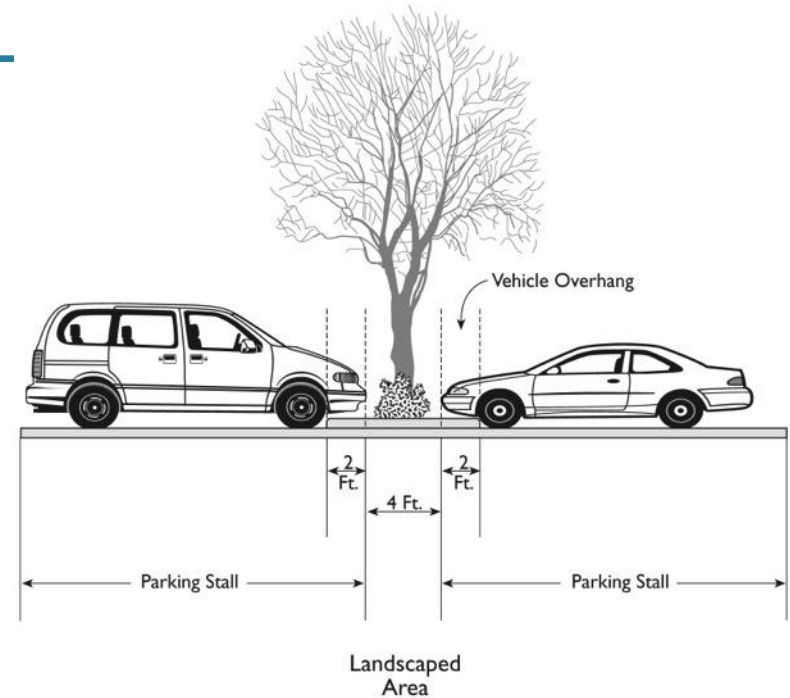
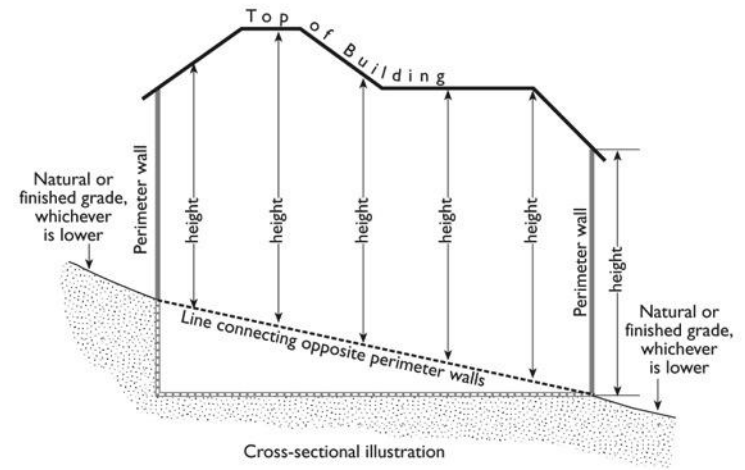


FIGURE 19.03-C: MEASURING BUILDING HEIGHTS ON SLOPED LOTS



Provide Transparent Process

Existing Standard

10-3-2406 Side Setbacks

The following side setback requirements shall govern the Central Area of the city:

- A. North Of Santa Monica Boulevard: The sum of the side setbacks from the two (2) longest side lot lines shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). In addition, except as otherwise provided in this section, each side setback for site areas located north of Santa Monica Boulevard shall be at least seven and one-half feet (7.5').
1. Exception: Site area in excess of one hundred feet (100') in width. In addition to any other side setback required, if the width of a site area exceeds one hundred feet (100'), then the side setback from the two (2) longest side lot lines shall be at least ten feet (10') plus ten percent (10%) of the width of the site area in excess of one hundred feet (100').
 2. Exception; Two Or More Lots: For those site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be at least fifteen feet (15'). In addition, the sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twelve feet (12') plus thirty percent (30%) of the lot width in excess of one hundred feet (100').

10-3-2406 Side Setbacks

The following side setback requirements shall govern the Central Area of the city:

A. For Lots Located North Of Santa Monica Boulevard:

1. Lots less than or equal to 100 feet in width. The sum of the side setbacks ~~from the two (2) longest side lot lines~~ shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). ~~In addition, except as otherwise provided in this section, Each side setback for site areas located north of Santa Monica Boulevard shall be at least seven and one-half feet (7.5').~~
- 1.2. Lots greater than 100 feet in width. The sum of the side setbacks shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). Each side setback ~~Exception: Site area in excess of one hundred feet (100') in width. In addition to any other side setback required, if the width of a site area exceeds one hundred feet (100'), then the side setback from the two (2) longest side lot lines shall be at least ten feet (10') plus ten percent (10%) of the width of the site area in excess of one hundred feet (100').~~
- 2.3. Exception; Two Or More Lots (as subdivided on July 3, 1984). For those site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be at least fifteen feet (15'). In addition, ~~The sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twelve feet (12') plus thirty percent (30%) of the lot width in excess of one hundred feet (100'). Each side setback shall be at least fifteen feet (15').~~

Tracking Changes

Provide Clarity

Reorganized Standard with Graphics

10-3-2406 Side Setbacks

The following side setback requirements shall govern the Central Area of the city:

A. For Lots Located North Of Santa Monica Boulevard:

1. *Lots less than or equal to 100 feet in width.* The sum of the side setbacks shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). Each side setback shall be at least seven and one-half feet (7.5').
2. *Lots greater than 100 feet in width.* The sum of the side setbacks shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). Each side setback shall be at least ten feet (10') plus ten percent (10%) of the width of the site area in excess of one hundred feet (100').
3. *Two Or More Lots (as subdivided on July 3, 1984).* The sum of the side setbacks shall be at least twelve feet (12') plus thirty percent (30%) of the lot width in excess of one hundred feet (100'). Each side setback shall be at least fifteen feet (15').

Logical Organization

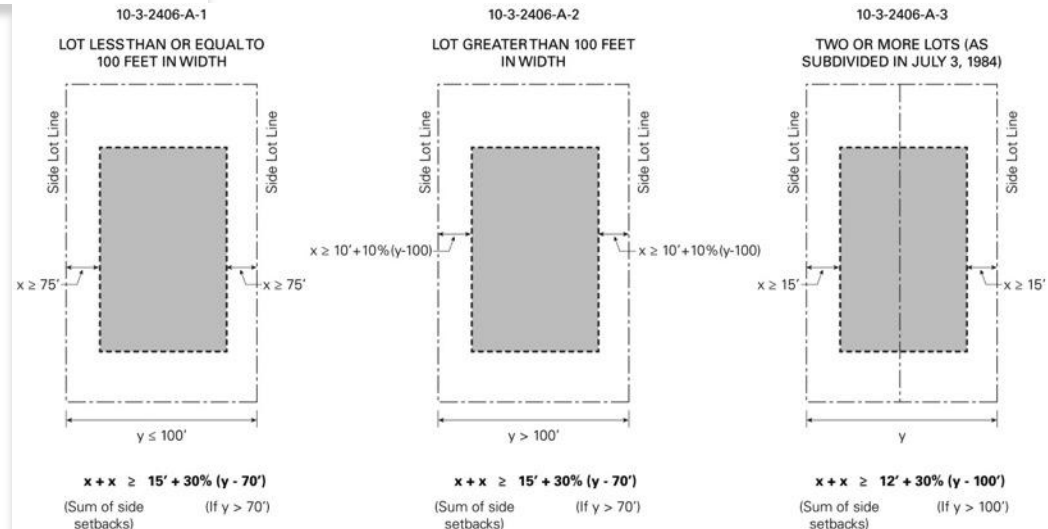
Level 1: North of Santa Monica

Level 2: Lot Size/Type

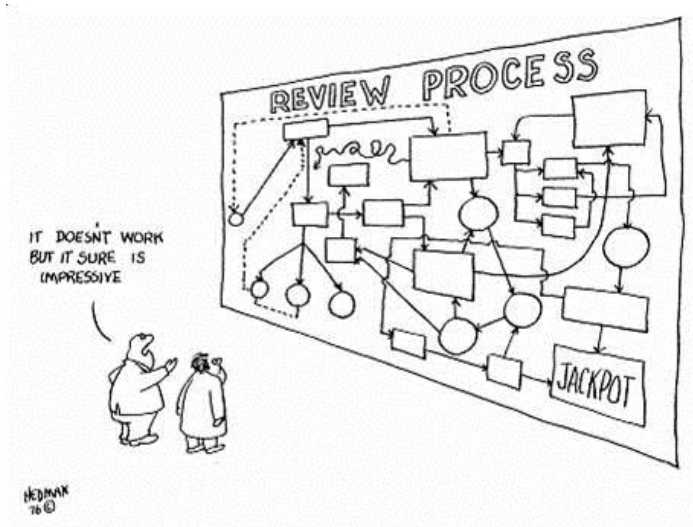
Consistency of Expression

First Standard: Sum of Side Setbacks

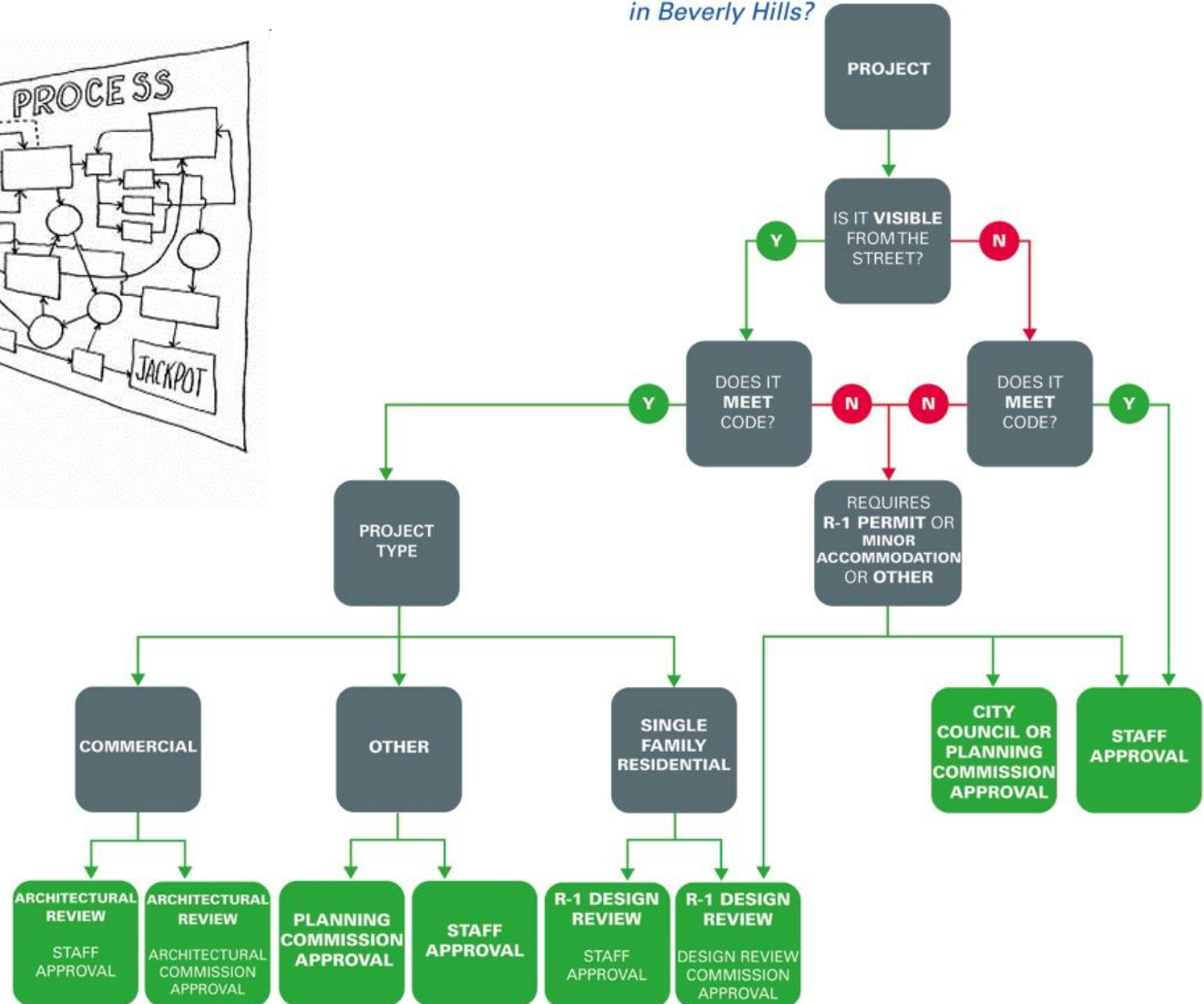
Second Standard: Each Side Setback



Streamlining Permitting Process



What is the current process in Beverly Hills?



Consolidating Permits

- Common procedures
 - *Application and notice requirements; cover in one section*
 - *Conduct of Hearings; Findings Required*
 - *Effective dates; expiration and extension; modification*
- Consolidating permits for a streamlined review process
 - *Minor Use Permit: R4 Permit; Minor Accommodation; Notice of Overnight Stay; Second Unit Permit*
 - *Development Plan Review: Central R1 Permit; Hillside R1 Permit; Trousdale R1 Permit; Extended Hours Permit; Planned Development Review*
- Architectural design and environmental review
- Enforcement; Revocation of Permits; Other Remedies

Reorganization Can Make a Difference

- Provide clear rules and standards to increase certainty and residents' confidence in the process;
- Eliminate unnecessary provisions to reduce Staff & development costs and makes the City an easier place to do business;
- Reduce case-by-case review by reaching agreement on necessary standards and requirements now and streamline the process;
- Incorporate flexibility, where appropriate, so the City can say yes to new housing and other development it wants to see built;
- Support keeping the City vibrant and attractive for residents, visitors, real estate investors and businesses; and
- Implement sound planning and proven regulatory concepts

Development Guide (Optional)

DEVELOPMENT STANDARDS

Zone	EBD 1				EBD 2	EBD 3
Use Designations	Mixed Use (residential and/or Office above Ground Floor Retail)	Office or Entertainment Industry Related	Office or Mixed Use	Automobile Sales & Service	Community Recreation Center, Residential and/or office with local serving Retail	Municipal Service Yard, Municipal Office, Utility
Height	60 ft	60 ft	60-75 ft	60 ft	60-75 ft	40 ft
Civic Center Drive	30 ft for first 15 ft of depth 40 ft for second 15 ft of depth	30 ft for first 15 ft of depth 40 ft for second 15 ft of depth				
Melrose Ave		45 ft				
Maple Drive		45 ft for first 100 ft				
Setbacks						
Civic Center Drive	0 15 feet max for outdoor uses 5 foot max for landscape	0 15 feet max for outdoor uses 5 foot max for landscape				
Third Street		5 ft min	5 ft min			
Alden Drive		10 ft min		10		
Foothill Road			20 ft min	20		
Maple Drive		25 ft min				
Public Open Space	5% of bldg sq. footage as calculated for FAR plus required street setbacks outdoor used within 15 ft max setback can be counted towards overall public open space req	5% of bldg sq. footage as calculated for FAR plus required street setbacks outdoor used within 15 ft max setback can be counted towards overall public open space req	5% of bldg sq. footage as calculated for FAR plus required street setbacks	5% of bldg calculated required s		
Private Open Space						
residential uses	200 sq. ft per unit		200 sq. ft per unit			



CITY of BEVERLY HILLS

Design Review

Staff

The following is a list of review guidelines that are used when considering applications at the public counter:

Exempt

- Paint building the same color
- Replacement of similar materials (windows, doors, roofing materials)
- Materials: Applicant submits sample (of color, material, etc)
- Fee: No fee

Pre-Application Review

- Applicants must submit a set of plans and a color & materials board so that a planner can determine whether or not the application will be reviewed by Staff or by the Design Review Commission
- Materials: Applicant submits one set of plans & a color & materials board
- Fee: Pre-Application Design Review Fee and Environmental Categorical Exempt Fee

Staff Review - Tract 1

- Construction of a new home or addition to an existing home
- Applications that can be reviewed by staff must meet the following:
 - Design adheres to a pure architectural style
 - Plans are stamped by a licensed architect
- Materials: See application
- Fee: Design Review (Staff Level) Fee and Public Notice Fee

Architectural Commission Review - Tract 2

- Construction of a new home or addition to an existing home
- Applications reviewed by Commission:
 - Design does not adhere to a pure architectural style
 - Plans are not stamped by a licensed architect
- Materials: See application
- Fee: Design Review (Commission Level) Fee and Public Notice Fee

?

Pure Architectural style?

Get a copy of the Single Family Design Review Catalog.

GUIDEBOOK

ment - Planning Division

Comments or Questions
